

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION

JUNE 2003 AGENDA

Item No. W-1

TITLE: Request by Fresno Unified School District to waive <i>Education Code (EC)</i> Section 37202, equity length of time requirement for kindergarten students to allow full day kindergarten program at Burroughs, Greenberg and Winchell Elementary Schools .	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 33-04-2003	

RECOMMENDATION:

The Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten before a renewal is considered.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):

The **Fresno Unified School District** instituted a full-day kindergarten program at three of their elementary schools, **Burroughs, Greenburg and Winchell**, without realizing that they were violating *Education Code* Section 37202, the equity length of time requirement which states in part, “the governing board of any school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year...” Once the district realized that they were out of compliance with that section of the Education Code, they immediately took steps to correct the situation by requesting a waiver of EC Section 37202.

The district began the process of full day kindergartens by going to their local board and passing a resolution to establish an Early Primary Program according to *Education Code* Sections 8970-8974. All of the school site councils have approved of the full day program and the teacher’s union agreed with the program. Due to space constraints, the full day kindergarten can only be offered at three school sites and the district has an open enrollment policy available for interested parents. An evaluation of the program will be prepared by the district’s Research, Evaluation and Assessment Department.

Therefore, since the district is trying to correct the equity length of time issue with this waiver request, the department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten before a renewal is considered.

Bargaining unit(s) consulted on: fall of fiscal year 2001-2002

Position of bargaining unit (choose only one):

☐ Neutral

☒ Support

☐ Oppose

Name of bargaining unit representative: Larry Moore, President of Fresno Teachers Association

Public hearing identified by (choose one or more):

☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

Public hearing held on: February 26, 2003

Local board approval date: February 26, 2003

Advisory committee(s) consulted: All School Site Councils

Objections raised (choose one): ☒ None ☐ Objections are attached on separate sheet

Date consulted: fiscal year 2001-2002

Effective dates of request: 08/09/02 to 08/01/03

Fiscal Analysis (as appropriate):

No impact.

Background Information:

Waiver request forms and supporting documents are attached to this summary.